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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------------|------------------------|
| 10/553,497 | 10/14/2005 | Oday Abbosh | TGP/jma/J45343/US (200512) | 1487 |
| 69638 7590 12/23/2008 KAMRATH & ASSOCIATES P.A. 4825 OLSON MEMORIAL HIGHWAY SUITE 245 GOLDEN VALLEY, MN 55422 | | | EXAMINER CHU, KING M | |
| | | | ART UNIT 4137 | PAPER NUMBER |
| | | | MAIL DATE 12/23/2008 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/553,497 | Applicant(s) ABBOSH ET AL. | |
| | Examiner KING M. CHU | Art Unit 4137 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/14/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-22 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

The applicant is required to select one species from each of the following groupings:

Shape of the individual portions

1. Circle is depicted in Figures 1, 4, 8, and 20.
2. Oval is depicted in Figure 5.
3. Rhombus is depicted in Figure 6.
4. Particular shape is depicted in Figure 2.
5. Particular shape is depicted in Figure 11.

Fold Arrangements

1. Fold arrangements of Figure 1, 3 and 4.
2. Fold arrangements of Figure 2.
3. Fold arrangements of Figures 5, 6, and 8.
4. Fold arrangements of Figure 11.
5. Fold arrangements of Figure 19.

Dispenser

1. Dispenser in Figure 7.
2. Dispenser in Figure 9.

3. Dispenser in Figure 12.
4. Dispenser in Figure 13.
5. Dispenser in Figure 14.
6. Dispenser in Figure 15.
7. Dispenser in Figure 16.
8. Dispenser in Figure 17.
9. Dispenser in Figure 18.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The claims are deemed to correspond to the species listed above in the following manner:

Claims pertaining to the shape of the individual portions are:

1. Circle Shape depicted Figures 1, 4, 8, and 20: Claims 7-10 and 18-21.
2. Oval Shape depicted in Figure 5: Claims 7-8 and 18-19.

3. Rhombus Shape depicted in Figure 6: Claim 7.
4. Particular Shape depicted in Figure 2: Claim 7.
5. Particular Shape depicted in Figure 11: Claims 7-8 and 10.

Claims pertaining to the fold arrangements are claims 4-6, 8-10, and 19-21.

1. Fold arrangements of Figure 1, 3 and 4: Claims 4, 5, 6, 17, 19, 20, and 21.
2. Fold arrangements of Figure 2: Claims 4, 5, 6.
3. Fold arrangements of Figures 5, 6, and 8: Claims 4, 5, 17 and 19.
4. Fold arrangements of Figure 11: Claims 4, 5, 6, 17, 19 and 21.
5. Fold arrangements of Figure 19: Claims 4, 5, and 17.

Claims pertaining to the dispenser are claims 12-14 and 22.

1. Dispenser in Figure 7: Claim 12.
2. Dispenser in Figure 9: Claim 12.
3. Dispenser in Figure 12: Claim 12.
4. Dispenser in Figure 13: Claim 12.
5. Dispenser in Figure 14: Claims 12, 13, 14 and 22.
6. Dispenser in Figure 15: Claims 12, 13 and 22.
7. Dispenser in Figure 16: Claims 12, 13, 14 and 22.
8. Dispenser in Figure 17: Claim 12.
9. Dispenser in Figure 18: Claim 12.

The following claim(s) are generic: Claim 1.

2. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or

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corresponding special technical features for the following reasons: as evidenced by U.S. Patent 4,893,438 to Fry et al. in applicant's IDS, the elongated web members are a generic feature and are not a special technical feature. Each of the listed species have mutually exclusive features.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KING M. CHU whose telephone number is (571) 270-7428. The examiner can normally be reached on Monday-Friday, 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Bomberg can be reached on (571) 272-4922. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KMC

/Kenneth Bomberg/
Supervisory Patent Examiner, Art Unit 4137